

**AFFIDAVIT OF SPECIAL AGENT PATRICK FLAHERTY IN SUPPORT OF
APPLICATIONS FOR A CRIMINAL COMPLAINT AND A SEARCH WARRANT**

I, Patrick Flaherty, having been duly sworn, do hereby depose and state as follows:

Agent Background

1. I am a Special Agent with Homeland Security Investigations (“HSI”) and have been so employed since July 2007. I have successfully completed a training program in conducting criminal investigations at the Federal Law Enforcement Training Center in Brunswick, Georgia. In 2003, I graduated from the University of Massachusetts at Boston with a B.S. degree in Political Science and Philosophy and Public Policy. My current duties as an HSI Special Agent include conducting investigations involving the fraudulent acquisition, production, and misuse of United States immigration documents, United States passports, and identity documents. Due to my training, experience, and conversations with other law enforcement officers, I am familiar with the methods, routines, and practices of document counterfeiters, vendors, and persons who fraudulently obtain or assume false identities.

2. I am also a member of HSI’s Document and Benefit Fraud Task Force (“DBFTF”), a specialized field investigative group comprised of personnel from various state, local, and federal agencies with expertise in detecting, deterring and disrupting organizations and individuals involved in various types of document, identity and benefit fraud schemes. DBFTF is currently investigating suspected aliens who are believed to have obtained stolen identities of United States citizens living in Puerto Rico and used those identities to obtain public benefits, which they would not otherwise be eligible to receive, including Massachusetts Registry of Motor Vehicles (“RMV”) identity documents, Social Security numbers, MassHealth benefits, public housing benefits, and unemployment benefits. Agents have conducted an analysis of individuals who have received certain public benefits in Puerto Rico and Massachusetts on or about the same

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dates in an effort to identify individuals in Massachusetts who have been unlawfully and fraudulently using the identities of United States citizens.

Purpose of Affidavit

3. I submit this affidavit in support of an application for a criminal complaint charging Edward Obispo GARCIA with (1) Misuse of a Social Security Number, in violation of 42 U.S.C. § 408(a)(7)(B), and (2) Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A.

4. I also submit this affidavit in support of an application for a search warrant for the following property: 154 Walnut Avenue, Apartment 6, Roxbury, Massachusetts, as described in Attachment A. I have probable cause to believe that this property contains evidence, fruits, and instrumentalities of the crimes identified above, as described in Attachment B.

5. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers and federal agents, and my review of records described herein. This affidavit is not intended to set forth all of the information that I have learned during this investigation, but includes only the information necessary to establish probable cause for the requested complaint and search warrant.

Probable Cause

The RMV Application

6. On January 7, 2015, a man submitted an application for a duplicate Massachusetts driver's license at the RMV office in Boston, Massachusetts. The applicant represented on the application that he was a person whose initials were J.M.P.¹ He further represented that his date

¹ I am protecting the identity of the victim by using his initials only. The identity of the victim, J.M.P.J., is known to the Government. These initials represent the victim's first, middle, and last names. To protect the victim's privacy, only the initials "J.M.P.J., J.M.P., and "J.P." are used in this affidavit to reflect the variations of the victim's full name that were used.

of birth was xx/xx/1986, and that his Social Security Number (“SSN”) was xxx-xx-5416. The RMV previously took a photograph of the applicant on October 27, 2010², and that photograph is stored in the RMV’s computer database. The individual purporting to be J.M.P. signed the application under penalty of perjury. As a result of that application, the RMV issued the person purporting to be J.M.P. driver’s license no. Sxxxx6701.

7. The RMV file containing the January 7, 2015 application also contains the following identification documents: (a) a social security card bearing the name J.M.P.J. and SSN xxx-xx-5416; and (b) Comcast Cable bill listing 154 Walnut Ave, Apartment 6, Roxbury, Massachusetts. Additionally, on the January 7, 2015 application, the person purporting to be J.M.P. represented that he was a United States citizen.

Confirmation of a Valid Social Security Number

8. The Social Security Administration (“SSA”), Office of Inspector General (“OIG”) confirmed that SSN xxx-xx-5416 was assigned to an individual named J.P.

Identification of the Imposter

9. The Dominican Republic has a national identification card which is called a Cedula. HSI obtained information concerning Cedula Number xxx-xxxxx65-8, in the name of GARCIA, born in 1980, in Bani, the Dominican Republic, which included the photograph and fingerprints associated with this Cedula.

10. On May 19, 2011, the Massachusetts State Police in Leominster arrested a man purporting to be J.M.P. on charges of Possession with Intent to Distribute a Class B controlled substance. Following the May 19, 2011 arrest, as part of the booking procedure, police took fingerprints and a photo of the man purporting to be J.M.P.

² The photo was taken as part of a license issuance at the RMV.

11. The fingerprint impressions from Obispo GARCIA's Cedula Number xxx-xxxxx65-8 and the May 19, 2011 fingerprint impressions from the Massachusetts State Police arrest of J.M.P. were sent to the HSI Forensic Laboratory for analysis. The HSI Forensic Laboratory determined that these fingerprint impressions belonged to the same individual.

12. I have compared the following three photographs: (a) the October 27, 2010 photograph from the RMV database of the applicant purporting to be J.M.P.; (b) the May 19, 2011 photograph taken of the purported J.M.P. after the arrest by the Massachusetts State Police in Leominster; (c) and the photograph from Obispo GARCIA's Cedula Number xxx-xxxxx65-8. I conclude that the three photographs all depict the same person. Obispo GARCIA is present in the United States without legal immigration status.

13. Information from Puerto Rico's Driver and Vehicle Information Database ("DAVID") assigned to an individual named J.M.P. indicates that this person has a date of birth of xx/xx/1986, is assigned SSN xxx-xx-5416 and lives in San Juan, Puerto Rico. I have examined a photograph associated with that DAVID record for this person and conclude that the male depicted in that photograph is not the same as the male depicted in the three photographs in the preceding paragraph.

Search for Identification Documents

14. The January 7, 2015, RMV duplicate application for a driver's License in the J.M.P. identity lists an address of 154 Walnut Ave, Apartment 6, Roxbury, MA 02119.

15. As part of the RMV file for J.M.P. there is a Comcast bill in the name of J.P. with a service address of 154 Walnut Ave, Apartment 6, Roxbury, MA 02119.

16. On June 10, 2019, agents conducted surveillance at 154 Walnut Avenue in Roxbury, MA. The agents observed Obispo GARCIA (the individual using the J.M.P. identity)

leave 154 Walnut Avenue, enter a vehicle, and depart the area.

17. On June 12, 2019, agents conducted a ruse at 154 Walnut Avenue in Roxbury, MA. A postal inspector observed the mailbox for apartment 6 which listed numerous names, to include J.M.P. The postal inspector knocked on the door and said he had a package for J.P.J. (a variation of J.M.P.) and was told that J.P.J. lived there.

18. I know, based on my training and experience, that:

- a. Individuals often keep identification documents and other evidence of identity for long periods – sometimes years – and tend to retain such documents even when they depart a given residence. Such documents include social security cards, passports, tax returns, legal documents, utility bills, phone bills, health insurance or prescription cards, medical records, marriage licenses, family records, scrapbooks, photographs, diplomas and other school records, birth certificates, immunization records, bank records, credit card statements, personal correspondence and books or mementos on which they have inscribed their names.
- b. Individuals often keep identification documents and other evidence of identity in their residence, in part to ensure the security of these documents and in part to allow for access to these documents when needed.
- c. In addition, it is common for those who use other persons' identities without authorization to maintain fraudulently obtained identification documents in secure locations within their residence to conceal them from law enforcement authorities; and,
- d. It is common for individuals who use fraudulently obtained identification

documents to retain those documents for substantial periods of time so that they can continue to use the fraudulently obtained identities.

19. All agents participating in the search of the premises described in Attachment A will be informed of the full name represented by the initials that appear in Attachment B.

Conclusion

20. Based on the foregoing, I have probable cause to believe that, on or about January 7, 2015, Edward Obispo GARCIA, when applying for a Massachusetts duplicate driver's license, (1) falsely represented, with intent to deceive and for any purpose, a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, all in violation of 42 U.S.C. § 408(a)(7)(B); and (2) knowingly transferred, possessed and used, during and in relation to any felony violation enumerated in 18 U.S.C. 1028A(c), and without lawful authority, a means of identification of another person in violation of 18 U.S.C. § 1028A.

21. Based on the forgoing, I have probable cause to believe that evidence, fruits, and instrumentalities of these crimes, as described in Attachment B, are located in the premises described in Attachment A.

Sworn to under the pains and penalties of perjury.



PATRICK FLAHERTY
Special Agent
Homeland Security Investigations

Subscribed and sworn before me on June 26, 2019

Judith Gail Dein
JUDITH G. DEIN
United States Magistrate Judge

ATTACHMENT A

Premises To Be Searched

The location to be searched is Apartment 6, 154 Walnut Ave, Roxbury, Massachusetts, a brown multifamily residential building with the number 154 above the front door. The front door is in the middle of the building and has one step up from the walkway. A Photograph of the building is attached.

Front View of 154 Walnut Ave, Roxbury



ATTACHMENT B

Evidence to Be Searched for and Seized

Evidence, fruits, and instrumentalities of violations of 42 U.S.C. § 408(a)(7)(B), and 18 U.S.C. § 1028A, including but not limited to:

1. The following records, documents, and items referencing Edward Obispo GARCIA, J.M.P., J.P.J., and/or J.P.:
 - a. Any and all state-issued or apparently state-issued identification documents, notes, statements, and/or receipts that reference same;
 - b. Any and all immigration documents, including but not limited to United States or foreign issued (or apparently issued) passports and identification cards;
 - c. Any and all documents identifying citizenship, including but not limited to birth certificates; voter registration cards; cedulas; and social security cards.
 - d. Any and all documents relating to foreign or domestic travel, including tickets; schedules; itineraries; or receipts.
 - e. Any and all records not evidencing the identity of Edward OBISPO GARCIA, J.M.P., and/or J.P.J. and/or J.P., including but not limited to employment records; bank records; credit card records; tax records; marriage records; divorce records; baptismal or confirmation records; land/property/residential rental records; school records; health records; insurance records; records of utilities, phone service and other services or subscriptions; records of arrests, court proceedings, or other legal proceedings; records of school, training or counseling; and personal correspondence.
2. Photographs and photograph albums depicting OBISPO GARCIA.